

73-66-RXA #12 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Henry Raab and
I, or we, Lillian W. Raab, (wife/legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2, side yard variance from 30' to 10' and a rear yard variance from 30' to 28'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser: Henry A. Raab
Address: 8321 Belair Road
Baltimore, Md. 21236
F. Vernon Booser
Petitioner's Attorney
Address: Suite 305 Heaver Plaza
Lutherville, Md. 21093
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 31st day of July, 1974, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of October, 1974, at 11:00 o'clock.

Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Millard Hartman and
I, or we, Edith Hartman, (wife/legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2, side yard variance from 30' to 20' and a rear yard variance from 30' to 19'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached description

Hardship and practical difficulty

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser: Millard Hartman
Address: 8321 Belair Road
Baltimore, Md. 21236
F. Vernon Booser
Petitioner's Attorney
Address: Suite 305 Heaver Plaza
Lutherville, Md. 21093
Protestant's Attorney

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Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Henry Raab and
I, or we, Lillian W. Raab, (wife/legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 16 zone to an RR zone; for the following reason:

1. Error
2. Change
3. Other reasons to be assigned at time of hearing.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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Address: 8321 Belair Road
Baltimore, Md. 21236
F. Vernon Booser
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Address: Suite 305 Heaver Plaza
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Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

W. Raab (wife)
I, or we, Henry Raab and Lillian W. Raab, (wife/legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 16 zone to an RR zone; for the following reason:

1. Error
2. Change
3. Other reasons to be assigned at time of hearing.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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F. Vernon Booser
Petitioner's Attorney
Address: Suite 305 Heaver Plaza
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Zoning Commissioner of Baltimore County.

(over)

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of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached description

Hardship and practical difficulty

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Zoning Commissioner of Baltimore County.

(over)

PATRICIA S. GRAHAM
ATTORNEY AT LAW
608 BALTIMORE AVENUE
TOWSON, MARYLAND 21204

February 1, 1974

John A. Slowik, Chairman
County Board of Appeals
County Office Building
Towson, Maryland 21204

RE: Case No. 73-66-RXA
Henry Raab, et al (Millard Hartman, et ux)
NE Corner and SE Corner of Belair Road and
Louisa Avenue - 11th District
Alleged Zoning Violation - Millard Hartman
No. 74-14-V, ZV-73-86

Dear Mr. Slowik:

I am in receipt of a copy of Mr. Romadka's letter to you dated January 24, 1974, requesting acceptance of Mr. Hartman's Motion to amend his Petition for Reclassification from DR-16 to SR to a Petition for Special Exception for an Office Building.

This is to inform you that my clients strongly object to any such amendment. In a letter dated November 12, 1973, Mr. Romadka informed you that inasmuch as you apparently had not allowed him to make such an amendment, he was filing a Petition for Special Exception for an office building in a DR-16 zone with the Zoning Commissioner.

The Zoning Commissioner refused to accept this Petition for filing and now asking your acceptance of their Motion to amend the Petition.

I wish to point out that under Rule 500.12 of the Baltimore County Zoning Regulations, "no new petition for reclassification or special exception shall be entertained by the zoning commissioner in any case which has been denied either by the zoning commissioner or the County Board of Appeals until the expiration of 18 months from the date of the final order thereon."

John A. Slowik, Chairman
County Board of Appeals
February 1, 1974
Page 2

I see nothing in the Baltimore County Code, the Baltimore County Zoning Regulations or the Rules of the County Board of Appeals allowing such an amendment.

It would appear that the Petitioners are attempting to go in the back door and accomplish what they cannot do by going in the front door.

Very truly yours,

Patricia S. Graham
Patricia S. Graham

PSG:j

cc: Robert J. Romadka

ROBERT J. ROMADKA
ATTORNEY AT LAW
805 EASTERN BOULEVARD
TOWSON, MARYLAND 21204

January 24, 1974

John A. Slowik, Chairman
County Board of Appeals
County Office Building
Towson, Maryland 21204

Re: Case No. 73-66-RXA
Henry Raab, et al (Millard Hartman, et ux)
NE Corner and SE Corner of Belair Road and
Louisa Avenue - 11th District
Alleged Zoning Violation - Millard Hartman
No. 74-14-V, ZV-73-86

Dear Mr. Slowik:

On November 12, 1973, I had written to you concerning the above captioned cases requesting that these matters be generally continued as I was filing a Petition for Special Exception for an office building with the Office of Zoning. I have now been notified by said Office that they could not accept my petition since my client's original petition is now on appeal. The Zoning Commissioner has suggested that the original petition be amended from our original request for SR zoning to a Special Exception for an office building and that the matter be set down and heard before the Board on said appeal. Therefore, I would ask that you accept at this time my client's motion to amend his zoning Petition for Reclassification from DR-16 to SR to DR-16 with a Special Exception for an office building.

I would appreciate, therefore, your setting this matter down for hearing at your earliest convenience and notify this office of said hearing date.

Very truly yours,

Robert J. Romadka

RJR/dsl
cc: Patricia S. Graham
Attorney at Law

OCT 9 - 1974

PETITION FOR RECLASSIFICATION
from D.R. 16 to B.R., SPECIAL
EXCEPTION for Living Quarters
in a commercial building, and
VARIANCE from Section 238.2
of the Zoning Regulations
N/E and S/E corners of
Belair Road and Louisa Avenue
11th District
Henry A. Raab and
Millard Hartman, Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 73-66-RXA

PETITION TO AMEND ORDER OF
BOARD OF APPEALS

The Petition of Joseph J. Gerst and Marie Gerst, Protestants-Appellants, by Patricia S. Graham, their attorney, respectfully represents:

1. That an appeal was filed by the above Petitioners from an Order of the Zoning Commissioner, dated June 7, 1973, granting a Reclassification from D.R. 16 to B.R., on a parcel of land owned by Henry A. Raab and located on the southeast corner of Belair Road and Louisa Avenue (Parcel #2).
2. That this decision of the Zoning Commissioner was affirmed by the Board of Appeals by Order dated May 1, 1974.
3. That joined with the Petition of Henry A. Raab was the Petition of Millard Hartman for Reclassification from D.R. 16 to B.R., a Special Exception for living quarters in a commercial building, and a Variance from Section 238.2 of the Zoning Regulations (side yard setbacks) for a parcel of land located at the northeast corner of Belair Road and Louisa Avenue (Parcel #1). This Petition of Millard Hartman was denied by the Zoning Commissioner in his decision, dated June 7, 1973. From this decision, an appeal was filed.
4. That at a hearing before the Board of Appeals on March 13, 1974, your Petitioners appeared as Appellants in regard to Parcel #2 and as Protestants in regard to Parcel #1.
5. That at a hearing before the Board of Appeals on March 13,

the Petitioner, Hartman (Parcel #1), amended his Petition and requested a Special Exception for offices in a D.R. 16 zone, and a side yard setback from the required 30 feet to 19 feet on the south side of his property.

6. That by Order of the Board of Appeals dated May 1, 1974, the Petition of Millard Hartman (Parcel #1) was granted.
7. That the Petitioners, Joseph J. Gerst and Marie Gerst, are adjacent property owners to Parcel #1 owned by Millard Hartman.
8. That Section 502.2 of the Baltimore County Zoning Regulations provides that the Zoning Commissioner or Board of Appeals, when granting a Special Exception, shall have the power to impose such conditions, restrictions or regulations governing such Special Exception as may be deemed necessary or advisable for the protection of surrounding and neighboring properties.
9. That your Petitioners, pursuant to the above, respectfully request that the following restrictions be imposed on the grant of the Special Exception to Millard Hartman:
 - a. No retail sales on premises.
 - b. No transfer of merchandise from one truck or truck trailer to another.
 - c. No lay-over parking of trucks or truck trailers.
 - d. No truck deliveries of merchandise.
 - e. No display of goods to be sold.
 - f. Defining reasonable hours of operation.
 - g. No truck traffic on premises.
 - h. No additional structures to be erected on premises.
 - i. No expansion of existing structures.

Patricia S. Graham
PATRICIA S. GRAHAM, Attorney for
Petitioners
605 Baltimore Avenue
Towson, Maryland 21204
296-8850

I HEREBY CERTIFY, That on this 15th day of May, 1974, a copy of the foregoing Petition to Amend Order of Board of Appeals was mailed to Robert J. Rosadka, Attorney for Petitioner, Millard Hartman, at 809 Eastern Boulevard, Baltimore, Maryland 21221.

Patricia S. Graham
PATRICIA S. GRAHAM

ZONING DESCRIPTION

RR 16 to RR

SECOND PARCEL FOR 8221 BELAIR ROAD

RESIDING for the same at the point formed by the intersection of the south-
westmost side of Belair Road with the southwestmost side of Louisa Ave-
nue (20 feet wide) said point of beginning being also distant 800 feet more
from the center of Belair Road than the southwestmost side of said Belair
and of the first line of that tract of land which by deed dated July 26, 1941
etc. was conveyed by Louisa Raab, widow to Henry A. Raab and wife, thence run-
ning with and binding severally on said first line and severally on the first line
of that tract of land which by deed dated July 29, 1944 and recorded among the
Land Records of Baltimore County in Liber 1135 folio 216 etc. was conveyed by
Louisa Raab, widow to Henry A. Raab and on the southwestmost side of said
Belair Road south 51 degrees 10 minutes west 126.70 feet, thence leaving said
scribed deed the two following courses and distances south 18 degrees 33 minutes
west 11.30 feet and south 43 degrees 54 minutes east 141.64 feet, thence running
with and binding severally on the second and first lines of that tract of land
Baltimore County in Liber 1355 folio 148 etc. was conveyed by Louisa Raab, widow
to Henry A. Raab and wife the two following courses and distances south 41 degrees
to line of said deed and severally on the fourth line of said firstly described deed
and on the southwestmost side of said Louisa Avenue with the use thereof to
commence with others entitled thereto north 41 degrees 12 minutes west 200.00 feet
to the place of beginning.

CONTAINING 0.656 acres of land more or less.

BEING all of those tracts of land recorded among the Land Records of Baltimore
County as follows: by deed dated July 26, 1941 in Liber 1135 folio 316 etc.
was conveyed by Louisa Raab, widow to Henry A. Raab and wife; by deed dated
July 29, 1944 in Liber 1135 folio 216 etc. was conveyed by Louisa Raab, widow
to Henry A. Raab; and by deed dated November 13, 1940 in Liber 1355 folio 148
etc. was conveyed by Louisa Raab, widow to Henry A. Raab and wife.

February 21, 1972

DAVID W. DALLAS, JR.
CIVIL ENGINEER
8715 OLD BAYVIEW DR.
BALTIMORE, MD. 21234
(410) 645-7422



RE: PETITION FOR RECLASSIFICATION
from D.R. 16 to B.R., SPECIAL
EXCEPTION for Living Quarters
in a commercial building, and
VARIANCE from Section 238.2
of the Zoning Regulations
N/E and S/E corners of
Belair Road and Louisa Avenue
11th District
Henry A. Raab and
Millard Hartman, Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 73-66-RXA

OPINION

This case comes before the Board of Appeals on appeals from the Order of the
Zoning Commissioner, dated June 7, 1973. The last case concerns two parcels of
land: Parcel #1, the Hartman property, is located on the northeast corner of Belair Road
and Louisa Avenue, and Parcel #2, being the Raab property on the southeast corner of Belair
Road and Louisa Avenue, in the Eleventh District of Baltimore County.

The petition for Parcel #1 requests reclassification from D.R. 16 to B.R., a
special exception for living quarters in a commercial building, and a variance from Section
238.2 of the Zoning Regulations (side yard setbacks), and the petition on Parcel #2 requests
reclassification from D.R. 16 to B.R., and a variance from Section 238.2 (use and rear
yard setbacks). The petition for reclassification, special exception and variances on the
northeast corner (Parcel #1) was denied by the Zoning Commissioner, and from that Order
the Petitioners appealed. The Zoning Commissioner granted the petition for reclassification
on Parcel #2, being the southeast corner of Belair Road and Louisa Avenue, and denied
variances on said parcel, and from that part of the Order the Protestants appealed.

At the hearing on this case, the Petitioner, Hartman (Parcel #1), amended
his petition to request a special exception for offices in a D.R. 16 zone, thereby no longer
seeking a reclassification, and he further asked a variance for a side yard setback from the
required 30 feet to 19 feet on the south side of his property, thereby dismissing the variance
requested on the north side and to the rear or east of the property.

The evidence produced by both of the Petitioners included testimony by a
professional engineer, a realtor and appraiser, as well as several people from the immediate
neighborhood in support of the petitions. It was also submitted, as Petitioners' Exhibit

Raab-Hartman - #73-66-RXA

2.

#7, a list of ten people from the immediate neighborhood present at the hearing and in
favor of the petitions, in addition to those who testified. Without exception their
testimony indicated that there would be no problem with compliance under Section 502.1
of the Zoning Regulations and that, therefore, the special exception should be allowed as a
permitted use under the existing zoning. There was additional testimony from Mr.
Hartman, as well as the expert witnesses, that indicated the existing masonry constructed
building is within 19 feet of the property line on the south side of Parcel #1, and it would,
therefore, be an unreasonable hardship or certainly practical difficulty to move the building
or remove a portion thereof in order to comply with the required setback.

As regards Parcel #2, it is the testimony from the experts, particularly from
the real estate expert, that it was error on the part of the County Council to classify this
property as D.R. 16. The Board feels that this position is patently obvious even by a
 cursory study of the official zoning map (Petitioners' Exhibit #2), which shows that the
subject property faces on Belair Road, a major artery in the northeast section of Baltimore
County, at the southeast corner of the intersection of Louisa Avenue, a private road of
approximately ten to twelve foot width. The property to the south of the Raab property
(Parcel #2) is zoned B.R. to the Baltimore County Beltway and beyond, a distance of
approximately one and one-half miles. The property to the east or rear of the Raab
property, which faces along Louisa Avenue, the private road referred to above, is also
zoned B.R. and, in fact, a 40 foot section of the Raab property along the east side is
likewise zoned B.R. As is obvious from the inspection of the maps, this gigantic length
of B.R. zoning ends at Louisa Avenue with exception of the isolated portion of the Raab
property. The classification of the Raab property, therefore, as D.R. 16 rather than
B.R. amounts to, in the opinion of this Board, illegal spot zoning. Furthermore, the
Planning Board, in their recommendations, which were entered into evidence as part of the
zoning file in this case, indicated that it was recommended that the zoning on this property
be reclassified to B.R. There was, however, no testimony produced to indicate un-
reasonable hardship or practical difficulty with regard to the variance requested on
Parcel #2.

Raab-Hartman - #73-66-RXA

3.

The Protestants in this case consisted of two neighbors who reside on Belair
Road and a representative of the Perry Hall Improvement Association, Inc., who stated that
the Association is opposed to all reclassification on the Belair Road. The only question
raised by the Protestants with regard to the issues here concerned the heavy volume of traffic
on Belair Road, however, the report from the Department of Traffic Engineering in the
zoning file indicates that the Belair Road is nowhere near its capacity at the subject
location; the only concern of the Traffic Engineering Department was with the blockage of
Louisa Avenue by trucks servicing loading docks on Parcel #1, which is no longer a subject
of this petition.

It is, therefore, the opinion of this Board that the special exception for
offices in a D.R. 16 zone, and the variance petitioned for on Parcel #1 should be granted,
and further, that the petition for reclassification from D.R. 16 to B.R. should be granted
with respect to Parcel #2.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 15th day
of May, 1974, by the County Board of Appeals, ORDERED that the Order of the Zoning
Commissioner, dated June 7, 1973, be affirmed with respect to the petition of Henry Raab
(Parcel #2), and that the reclassification from D.R. 16 to B.R. petitioned for, be and the
same is hereby GRANTED; and it is

FURTHER ORDERED that the variance petitioned for on Parcel #2, be and
the same is hereby DENIED; and it is

FURTHER ORDERED that the petition, as amended, requesting a special
exception for offices on the petition of Millard Hartman (Parcel #1), be and the same is
hereby GRANTED; and it is

Raab-Hartman - #73-66-RXA

4.

FURTHER ORDERED that the variance for side yard setback from the required
distance of 30 feet to 19 feet along the south side of said property (Parcel #1), be and the
same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100,
subtitle B of Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Karter, Jr.
Walter A. Karter, Jr., Chairman

John A. Miller
John A. Miller

Robert L. Gifford
Robert L. Gifford

RE: PETITION FOR RECLASSIFICATION, SPECIAL EXCEPTION, AND VARIANCE : BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The Petitioners request a Reclassification from a D.R. 16 Zone to a B.R. Zone, a Special Exception for Living Quarters in a Commercial Building and Variances to permit side yards of twenty (20) feet and nineteen (19) feet in lieu of the required thirty (30) feet, and to permit a side yard of nine (9) feet in lieu of the required thirty (30) feet for a loading dock, for Parcel No. 1, which consists of 0.516 acres of land, more or less; and, a Reclassification from a D.R. 16 Zone to a B.R. Zone and Variances to permit a side yard of ten (10) feet in lieu of the required thirty (30) feet and to permit a rear yard of twenty-eight (28) feet in lieu of the required thirty (30) feet, for Parcel No. 2, consisting of 0.65 acres of land, more or less, as indicated on the attached plat, being the Zoning Commissioner's Exhibit No. 1, incorporated herein and made a part hereof. Said parcels of land are located on the north and southeast corners of Belair Road and Louis Avenue, in the Eleventh District of Baltimore County. These properties contain a total of 1.04 acres of land, more or less.

The owners and Petitioners of Parcel No. 1, herein referred to as the Hartman property, are known as Millard Hartman and Edith Hartman, and the owners and Petitioners of Parcel No. 2, herein referred to as the Raab property, are known as Henry Raab and Lillian W. Raab.

Testimony on behalf of the Petitioners indicated that both Parcel No. 1 and Parcel No. 2 are zoned D.R. 16, front along Belair Road, which is a major thoroughfare in the northeast section of Baltimore County, and are developed by a dwelling on each parcel.

Expert testimony on behalf of the Petitioners indicated that there was a need for B.R. zoning for uses of warehousing and offices in this general vicinity.

ORDER RECEIVED FOR FILING

DATE Jan 7 1973 BY John P. Kelly

Mr. Millard Hartman stated that he was in the wholesale kitchen cabinet business and has been at this location for approximately four (4) years. He indicated that he did not sell retail but needed a building sixty (60) feet by one hundred (100) feet or approximately six thousand (6,000) square feet for his use. Mr. Raab indicated that he also wanted to develop his property into a warehouse type operation.

Testimony, as to the change in the area, indicated that a townhouse development is being developed directly across Belair Road from the subject properties. This is the only change that the Petitioners' were able to cite other than the construction of the new St. Joseph's Roman Catholic Church, which lies approximately one-quarter (1/4) of a mile to the north of the subject property.

Residents of the area protested against the use of tractor trailers emanating from the subject property, the dangerous effect upon Belair Road, and the protection of their homes.

Mr. Joseph Gerst, a neighbor immediately to the north and adjoining the Hartman property, testified that, if this property were developed as proposed, the construction of a warehouse would in effect create a "prison wall" directly next to his property.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the opinion of the Zoning Commissioner, the Comprehensive Zoning Map, as adopted on March 24, 1971, was partially in error in classifying the two (2) subject tracts D.R. 16. In the Baltimore County Planning Board Recommendations to the Zoning Commissioner, under Item No. 12, and on the Official Baltimore County Zoning Map, namely 4C, show that Parcel No. 2 is cut out and bounded on the south and to the east by B.R. zoning. It is logical that Louis Avenue should be the dividing line and should have been placed on the map as B.R., in March of 1971. In the opinion of the Zoning Commissioner, the Baltimore County Council erred in classifying

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EX PARTE : BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Millard Hartman and Edith Hartman, legal owners, by F. Vernon Boozer, their attorney, in support of their Petition that the zoning status of their property be classified from DR 16 Density Residential Zone to a BR zone, Business, Roadside, say:

1. That the County Commissioners in not zoning the subject property for commercial use committed a mistake and error on the Comprehensive Zoning Map, for the following cogent reasons:

- The County Commissioners erred in not taking into consideration the increased traffic on Bel Air Road and the tremendous increase in commercial and industrial uses in the immediate vicinity of the property.
- The County Commissioners erred in not taking into consideration the fact that the property contiguous to the subject property is zoned BR.
- The County Commissioners further erred in not taking into consideration the population explosion in the immediate vicinity of the site, which has created a tremendous need and demand for facilities such as are envisioned on this site.
- The County Commissioners erred in not taking into consideration that there is a non-conforming commercial use being made of the subject property.

F. Vernon Boozer,
Attorney for Petitioners
Suite 305 Heaver Plaza
Lutherville, Md. 21093
828-9441

this property D.R. 16. This was confiscatory in nature.

As to Parcel No. 1, the Baltimore County Council did not error in classifying it as D.R. 16. Therefore, the Comprehensive Zoning Map, as adopted on March 24, 1971, is presumed to be correct and the burden of proving error and/or substantial change in the character of the neighborhood is borne by the Petitioners.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of June, 1973, that the request on Parcel No. 1 for a Reclassification be and the same is hereby DENIED and the above described property or area be and the same is hereby continued as and to remain D.R. 16. By necessity, the Special Exception for Living Quarters in a Commercial Building be and the same is hereby DENIED. Further, failure to show practical difficulty and unreasonable hardship the Variances on Parcel No. 1 be and the same are hereby DENIED.

Further, IT IS ORDERED that the request on Parcel No. 2 for a Reclassification from a D.R. 16 Zone to a B.R. Zone is hereby GRANTED from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works, State Highway Administration, and the Office of Planning and Zoning.

Further, failure to show practical difficulty and unreasonable hardship the Variances on Parcel No. 2 be and the same is hereby DENIED.

Zoning Commissioner of
Baltimore County

-3-

- That there have been many changes in the condition and character of the neighborhood since the adoption of the original Comprehensive Zoning Map for this area.
- That there has been a substantial change in the conditions and character of the neighborhood since the present Comprehensive Zoning Map for this district was adopted as evidenced by the aforementioned and the fact that apartment buildings are under construction directly opposite the subject property.
- That the property in the immediate vicinity of the subject site is now improved by offices and other commercial uses.
- That the Petitioners have other and further reasons to support their application, all of which will be shown at the hearing on same.

F. Vernon Boozer,
Attorney for Petitioners
Suite 305 Heaver Plaza
Lutherville, Md. 21093
828-9441

EX PARTE : BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Henry Raab and Lillian W. Raab, legal owners, by F. Vernon Boozer, their attorney, in support of their Petition that the zoning status of their property be classified from DR 16 Density Residential Zone to a BR zone, Business, Roadside, say:

1. That the County Commissioners in not zoning the subject property for commercial use committed a mistake and error on the Comprehensive Zoning Map, for the following cogent reasons:

- The County Commissioners erred in not taking into consideration the increased traffic on Bel Air Road and the tremendous increase in commercial and industrial uses in the immediate vicinity of the property.
- The County Commissioners erred in not taking into consideration the fact that the property contiguous to the subject property is zoned BR.
- The County Commissioners further erred in not taking into consideration the population explosion in the immediate vicinity of the site, which has created a tremendous need and demand for facilities such as are envisioned on this site.
- The County Commissioners erred in not taking into consideration that there is a non-conforming commercial use being made of the subject property.

ZONING DESCRIPTION DR 16 to BR

FIRST PARCEL FOR 8323 BELAIR ROAD

BEGINNING for the same at the point formed by the intersection of the southeastern side of Belair Road with the northeastern side of Louis Avenue (20 feet wide) said point of beginning being distant 780 feet measured in a southeasterly direction along the southeastern side of said Belair Road joining of the fourth line of the first parcel of that tract of land which by deed dated October 20, 1967 and recorded among the Land Records of Baltimore County in Liber 4818 folio 001 etc. was conveyed by Lillian M. Cox, widow to Millard M. Hartman and wife, thence running with and binding on said fourth minutes east 100.00 feet, thence leaving said road and binding on the first line thence binding on a part of the first line of the second parcel of said deed north 91 degrees 10 minutes east 50.00 feet, thence running with and binding on the second and third lines of said second parcel the two following courses 10 minutes west 150.00 feet to the northeastern side of said Louis Avenue, thence running with and binding on the fourth line of said second parcel and the third line of said first parcel and on the northeastern side of said Louis Avenue with the use thereof in common with others entitled thereto north 41 degrees 12 minutes west 200.00 feet to the place of beginning.

CONTAINING 0.516 acres of land more or less.

BEING all of that tract of land which by deed dated October 20, 1967 and recorded among the Land Records of Baltimore County in Liber 4818 folio 001 etc. was conveyed by Lillian M. Cox, widow to Millard M. Hartman and wife.

February 21, 1972

DAVID W. DALLAS, JR.
CIVIL ENGINEER
2715 OLD BALFORE RD.
BALTIMORE, MD. 21224
(410) 665-7422



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 8, 1972

F. Vernon Booser, Esquire
Suite 305 Heaver Plaza
Lutherville, Maryland 21093

Re: Reclassification Petition
3rd Zoning Cycle
Item 12
Millard Hartman et ux-Petitioners

Dear Mr. Booser:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an onsite field inspection of the property. The attached comments are a result of this review and inspection.

The subject properties are located on the east side of Belair Road 780' and 800' south of Klasterman Avenue in the Eleventh District of Baltimore County. Parcel #1 contains 0.516 acres and is improved with a two story brick dwelling that is also used as a sales office for kitchen equipment. Immediately to the north is a 1 1/2 story dwelling. The property directly to the south is Parcel #2 which contains 0.656 acres and is improved with a 1 1/2 frame dwelling and a detached garage. There is also a good deal of junk and debris in the rear yard of this property. Parcel #1 utilizes a large tractor trailer to store kitchen merchandise and is parked on a paved parking lot in the rear of this property. These properties are divided by Louisa Avenue, an unimproved road which leads back to a small residential development.

The subject petition is accepted for filing; however, the following comments must be indicated in revised plans prior to the hearing. The residential dwelling to the east of the subject property must be shown, all proposed lighting, proper curbing and driveways, parking areas and indicate how the residential neighbors would be protected from any disturbing noise. Also, the parking area should be revised so as to do not drive in directly from Louisa Avenue and tractor trailers do not have to back up from the roadway.

Very truly yours,
OLIVER L. MYERS, Chairman
JOHN J. DILLON, JR., Zoning Tech. II

OLM:JJD:bbr

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

WM. T. MELLEN
DEPUTY TRAFFIC ENGINEER

April 28, 1972

Mr. Oliver L. Myers
Chairman
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204

Re: Cycle Zoning III
Item 12 - ZAC - 4-4-72
Property Owner: Henry Raab, et al
8321 & 8323 Belair Road
Re-class. to BR, Variance to Section 238.2
side yard - District 11

Dear Mr. Myers:

The subject petition is requesting a change from DR 16 to BR of 1 plus acres. This change can be expected to increase the trip density from 130 trips to 600 trips per day.

Although capacity problems do not exist along the frontage of this property, severe capacity restraints occur in the intersection of Joppa and Belair Roads, with long delays occurring during the peak hours and Friday evenings and Saturday. With the location of the loading docks to the proposed buildings, it is expected that trucks will block Louisa Avenue.

Very truly yours,

C. Richard Moore
Assistant Traffic Engineer

CRT:mr



STATE HIGHWAY ADMINISTRATION

300 WEST PRESTON STREET
BALTIMORE, MD. 21201

APRIL 6, 1972

Mr. S. Eric DiKenna
Zoning Commissioner
Att. M. - C. Myers

Re: Z.A.C. meeting, April
4, 1972 Reclassifications

Item: Prop. Owners Henry Raab,
8321 and 8323 Belair Rd
(Rte 1) D.R. 16

Dear Mr. DiKenna:

The plan does not indicate the dimension for the proposed widening of the existing private road (Louisa Ave) or that of the radius returns.

The proposed roadside curb must return into the adjacent entrance to the south on a 10' radius.

Considering the conditions on Belair Road, heavy volume of traffic and steep grade, the proposed additional point of access is undesirable and should be eliminated. By relocating the proposed water house, access to the parking lot could be easily attained from Louisa Avenue. The plan must ultimately be revised.

Access from Belair Road is subject to State Highway Administration approval and permit.

Very truly yours,

Charles Lee Chief,
Development Engineering Section

By: J. H. E. Myers
Asst. Development Engineer

CL-JM-es

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
825-7310

April 17, 1972

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
ATTN: Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee

RE: Property Owners: Henry Raab, et al
Location: 8321 and 8323 Belair Road

Item No. 12 Zoning Agenda April 4, 1972

Gentlemen:

Pursuant to your request, the referenced property have been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead-end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
5. The buildings and structure, existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
6. Site plans are approved as drawn.
7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *[Signature]* Noted and Approved: *[Signature]*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

mb 4/17/72

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 17, 1972

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Office of Planning & Zoning
Baltimore County Office Bldg.
Towson, Maryland 21204

Dear Mr. Myers:

Comments on Item 12, Zoning Advisory Committee Meeting, April 4, 1972, are as follows:

Property Owner: Henry Raab, et al
Location: 8321 and 8323 Belair Road
Present Zoning: D.R. 16
Proposed Zoning: Reclassification to B.R., Variance to Section 238.2 side yard.
District: 11
No. Acres: 1.172

Metropolitan water is available to the properties.

Metropolitan sewer is in planning. Present private sewage disposal system is not failing. A corrected plot plan is requested showing location of present sewage disposal system and plans for a system to serve this property until the public sanitary sewer becomes available.

Very truly yours,

J. Strawhorn
Sanitarian II
Sewer and Water Section
Division of Sanitary Engineering
BUREAU OF ENVIRONMENTAL SERVICES

JS:man

GEORGE E. GAYRELLS
Director
Jefferson Building
Suite 901
Towson, Md. 21204
46-3211



S. ERIC DIKENNA
Zoning Commissioner
County Office Building
111 W. Chesaapeake Ave.
Towson, Md. 21204
46-3311

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

May 8, 1972

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Myers:

Comments on Item 12, Zoning Advisory Committee Meeting, April 4, 1972, are as follows:

Property Owner: Henry Raab, et al
Location: 8321 and 8323 Belair Road
Present Zoning: D.R. 16
Proposed Zoning: Reclassification to B.R., Variance to Section 238.2 side yard.
District: 11
No. Acres: 1.172 acres

It appears that the proposed Danfield Road which will intersect Belair Road to the North of this property will provide adequate access to the rear properties which is the main concern of this Office.

Very truly yours,

Richard B. Williams
Planner II
Project Planning Division
Office of Planning and Zoning

BOARD OF EDUCATION BALTIMORE COUNTY

ITD# 112

TOWSON, MARYLAND 21204

Property Owner: Henry Raab, et al
District: 11

Present Zoning: DR 16

Proposed Zoning: BR

No. Acres: 1.172

No effect on student population

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

April 26, 1972

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
County Office Building
Towson, Maryland 21204

Re: Item #12 (Cycle April - October 1972)
Property Owner: Henry Raab, et al
3321 and 8323 Belair Road
Present Zoning: D.R. 10
Proposed Zoning: Reclassification to B.R.,
Variance to Section 238.2
side yard
District: 11th No. Acres: 1.172 acres

Dear Mr. Myers:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Belair Road is a State Road; therefore, all improvements, intersections and entrances on this road will be subject to State Highway Administration requirements.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Provisions for accommodating storm drainage have not been indicated on the submitted plan.

Public drainage facilities are required for any lot or drainage facilities and any onsite facilities serving offsite areas, in accordance with the standards of the Baltimore County Department of Public Works.

Onsite drainage facilities serving only areas within the site do not require construction under a County contract. Such facilities are considered private and therefore must conform to the County Plumbing and Building Codes.

Approximately 800 feet of offsite rights-of-ways appear to be necessary for the provision of public drainage facilities to this site. If so, a record plat or grading or building permits cannot be approved prior to acquisition of such rights-of-ways.

Mr. Oliver L. Myers, Chairman
Zoning Advisory Committee
Page 2
April 26, 1972
Re: Item #12 (Cycle April - October 1972)
Store Drains: (Cont'd)

Belair Road is a State Road. Therefore, drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings below this property. Sediment control is required by State Law. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or issuance of any grading and building permits.

Water:

Public water facilities are available to benefit this property.

Supplementary fire hydrants and improvements to the public system may be required for adequate protection.

Service within the site from the public system must be in accordance with the Baltimore County Building, Plumbing and Fire Prevention Codes. The service connection to the meter shall be in accordance with the standards of the Baltimore County Department of Public Works.

Sanitary Sewer:

Public sanitary sewer facilities are required to serve this property.

Public sanitary sewerage can be made available to serve this property by constructing a public sanitary sewer extension, approximately 100 feet in length from the Whitesearch Sanitary Sewer Interceptor, shown on Drawing #69-1029-1.

Offsite rights-of-ways appear to be necessary for the provision of public sewerage facilities to this site. If so, a record plat or grading or building permits cannot be approved prior to acquisition of such rights-of-ways.

The Petitioner is entirely responsible for the construction of his onsite private sanitary sewerage, which must conform with the Baltimore County Plumbing Code.

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:YAM:OMF:as



COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
494-3648
H. B. STAAB
DIRECTOR

INDUSTRIAL DEVELOPMENT COMMISSION
BALTIMORE COUNTY, MARYLAND

April 11, 1972

To: Mr. S. Eric DiNenna, Zoning Commissioner

From: H. B. Staab - Industrial Development Commission

Re: ZAC Agenda - 4/11/72
Item 12 - Henry Raab, et al
8321 and 8323 Belair Road
1.172 acres - 11th Election District
Reclassification from D.R. 10 to B.R., variance
to Section 238.2 side yard

This office has reviewed the subject site and offers the following comments:

The extension of the adjacent B.R. zone to include the subject site appears to be a logical extension.

H. B. Staab
H. B. STAAB
Director



COVAHEY & BOOZER
ATTORNEYS AT LAW
616 MONROE AVENUE
TOWSON, MARYLAND 21204

July 3, 1973

Ms. Stella Lowery
Office of the Zoning Commissioner
for Baltimore County
111 West Chesapeake Avenue
Towson, Md. 21204

RE: Petition for Reclassification,
Special Exception and Variance
N and SE corners of Belair Road
and Louisa Avenue
11th District
Henry Raab et al Petitioners
NO. 73-66- RXA (Item No. 12)
Appeal

Dear Ms. Lowery:

Please be advised that I no longer represent Mr. Raab and Mr. Hartman.

Very truly yours,

F. Vernon Boozer

FVB/pa

cc: Mr. Henry Raab
Mr. Hartman

PETITION FOR RECLASSIFICATION, *
SPECIAL EXCEPTION AND VARIANCE
N and SE Corners of Belair Road
and Louisa Avenue *
11th District
HENRY RAAB, et al *
BALTIMORE COUNTY
PETITIONERS *
No. 73-66-RXA (Item No. 12)

LAW MEMORANDUM

Maryland Law is well-settled in its holdings that in order to sustain an application for reclassification of a parcel of land there must either be a showing of mistake in the original zoning or that the character of the neighborhood has changed to such an extent that a change in the zoning classification is justified. Overton v. County Commissioners of Prince George's County, 170 A.2d 172, 225 Md. 212 (1961). Kracke v. Weinberg, 79 A.2d 387, 97 Md. 339 (1951); Wells v. Pierpont, 253 Md. 554, 557, 253 A.2d 749 (1969). The burden of proving either mistake or change in the character of the neighborhood are onerous and rest squarely on the one seeking the reclassification. Agnesland, Inc. v. Lucas, 247 Md. 612, 618, 233 A.2d 757 (1967).

MISTAKE IN ORIGINAL ZONING

In Clayman v. Prince George's County Council, 258 Md. 27, 41-2, 264 A2d 861, 868 (1970), the Court of Appeals made reference to the holdings in Chevy Chase Village vs. Montgomery County Council, 258 Md. 27, 41-2, 264 A2d 861, 868 (1970) in stating that:

"...there is a strong presumption of original zoning and of comprehensive rezoning, and that to sustain a piecemeal change therefrom, there must

be strong evidence of mistake in the original zoning or in the comprehensive rezoning or else a substantial change in conditions." (Emphasis supplied)

In the recent case of Valencia vs. Zoning Board, 270 Md. 478 (Dec. 4, 1973), the Petitioner requested a reclassification from a B-1 classification (Light Commercial) to a B-2 classification (Heavy Commercial) of a 3/4 acre parcel of land in Howard County. A comprehensive zoning map had been adopted by Howard County in January, 1964, in which the subject property was left in its B-1 classification. In November, 1967, a parcel almost opposite the subject property was reclassified to M-2 (Heavy Industrial) as a result of a Petition filed with the then zoning authority, the Board of County Commissioners of Howard County. In its opinion allowing the change in classification for this latter parcel, the Board noted that there was no opposition to the reclassification and that a non-conforming use of long-standing was being carried on there.

In its opinion the Court of Appeals stated that:

"...there is a strong presumption of the correctness of original zoning and comprehensive rezoning and that to sustain a piecemeal change therefrom there must be produced strong evidence of mistake. Mayor and Council of Rockville v. Henly, 268, Md. 469, 302 A2d 45 (1973). ...we have said the burden of proof facing one seeking a zoning reclassification is quite onerous." Rockville, supra; Wells v. Pierpont, 253 Md. 554, 253 A2d 749 (1969).

In regard to the rezoning of the property almost directly across the street from the subject property, the Court of Appeals stated that this would not necessitate the reclassification of the subject parcel, citing Montgomery County v. Pleasants, 266

Md. 462, 295 A2d 216 (1972); Plant v. Board of County Commissioners for Prince George's County, 262 Md. 120, 277 A2d 77 (1971).

CHANGE IN CHARACTER OF NEIGHBORHOOD

In Montgomery v. Board of County Commissioners for Prince George's County, 256 Md. 597, 602, 261 A2d 447, 450 (1970), the Court of Appeals stated that in order to sustain an order granting a reclassification, the Petitioner must show:

- "(a) What area reasonably constituted the 'neighborhood' of the subject property.
- (b) the changes which have occurred in that neighborhood since the comprehensive zoning, and
- (c) That these changes resulted in a change in the character of the neighborhood."

The Court stated that the availability of sewerage and water services does not result in a change in the character of the neighborhood in that these services are equally important to residential as to commercial development. They also stated that road improvements do not contribute to a change in the character of the neighborhood.

In the case of Wright vs. McCub, 260 Md. 11, 271 A2d 365 (1970), the Court of Appeals stated that:

"...Even if there had been some significant evidence of substantial change in the character of the neighborhood it is established that change which would support a rezoning case does not compel it absent probative evidence that no reasonable use can be made of the property in its current zoning classification."

In Heller v. Segner, 260 Md. 393, 399, 272 A2d 374, 377

(1971) The Court of Appeals stated that:

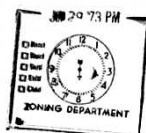
"...in some six cases at least in the last two years, we have held that intensification resulting in large population growth, of residential uses adjacent to or surrounding a residential property sought to be rezoned to commercial use will not of itself justify or support the commercial rezoning..."

PATRICIA S. GRAHAM
605 Baltimore Avenue
Towson, Maryland 21204

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY

Please enter an appeal to the Baltimore County Board of Appeals on behalf of Joseph J. Gerst and Marie Gerst from the Order of the Zoning Commissioner dated June 7, 1973 granting a Reclassification from a D.R. 16 Zone to a R.R. Zone of Parcel No. 2, said parcel being owned by Henry Raab and Lillian W. Raab.

PATRICIA S. GRHAM, Att
for Appellants
605 Baltimore Avenue
Towson, Maryland 21204
296-8816



F. Vernon Booser, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Reclassification,
Special Exception, and Variance
N and SE Corners of Belair Road
and Louisa Avenue - 11th District
Henry Raab, et al - Petitioners
NO. 73-36-RXA (Item No. 12)

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

 S. ERIC DI NENNA
 Zoning Commissioner

Attachments

cc: Mrs. Patricia S. Graham
Attorney at Law
605 Baltimore Avenue
Towson, Maryland 21204

ASSOCIATES
IRVING N. TAPLAN
CHARLES E. FOOS, II
ALFRED M. WALPERT

MURPHY 6-827

Re: Petition for Reclassification,
Special Exception and Variance
N and SE/Corners of Belair Road
and Louisa Avenue - 11th District
Henry Raab, et al - Petitioners
No. 73-66-RXA (Item No. 12)

As attorney for Mr. Millard Hartman, one of the property owners in the above noted matter, I wish to file an appeal to that part of your decision of June 7, 1973 as applies to Parcel No. 1. This pertains to reclassification of said property from DR-16 to BR with a Special Exception for living quarters in a commercial area, and variances as noted on the zoning plot plan.

I would appreciate your forwarding all papers relating to said case to the Zoning Board of Appeals for further hearing. I have enclosed my check in the amount of \$70.00 to cover cost for filing said appeal.

Robert J. Romadka

9.18/dsl

ASSOCIATES
IRVIN N. CAPLAN
CHARLES E. FODS III
ALFRED M. WALPERT

МЮРСК 6-8274

- 2 -

I would, therefore, appreciate your generally continuing the pending cases for the reasons stated above.

Robert J. Romack

RJR/dsl
cc: Mrs. Patricia S. Graham
Attorney at Law

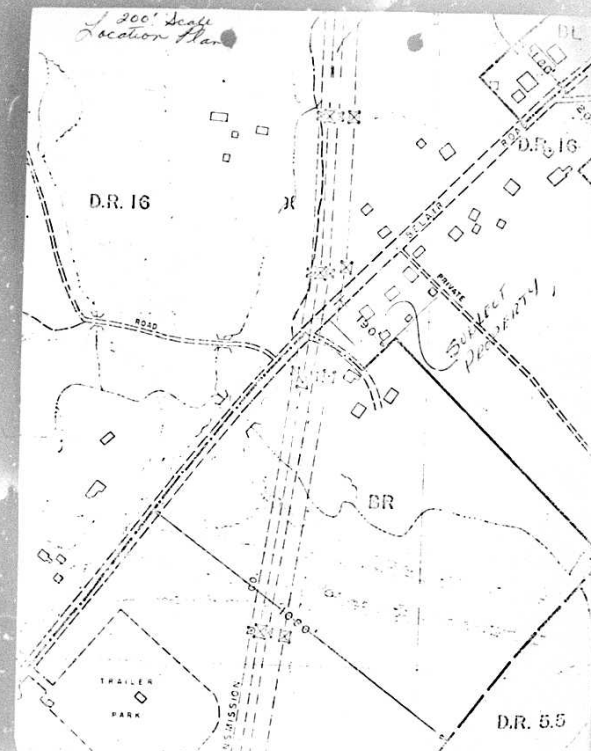
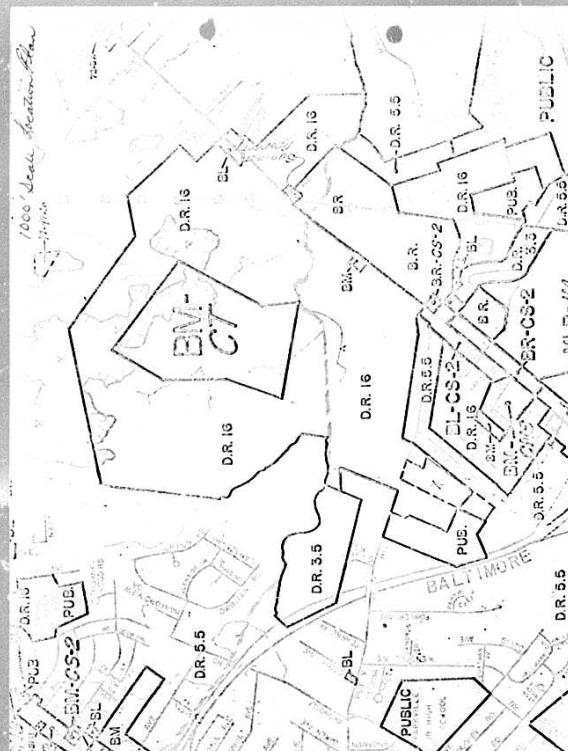
Re: Case No. 73-66-RXA
Henry Raab, et al (Millard Hartman, et ux)
NE Corner and SE Corner of Belair Rd. and
Louisa Avenue-11th District

Alleged Zoning Violation - Millard Hartman
No. 74-14-V. ZY-73-86

I am in receipt of a letter Mrs. Graham forwarded to you concerning the above captioned case in which she has requested that both matters be heard on the same date at the earliest possible time. Please be advised that during the first part of this week, I will be filing with the Office of Zoning on behalf of the Petitioner, Millard Hartman, a Petition for Special Exception for an office building on the subject property. The reason for our filing a Petition for Special Exception as a result of our being unable to amend the Petition now under appeal before your Board from BR zoning to that of a Special Exception for an office building.

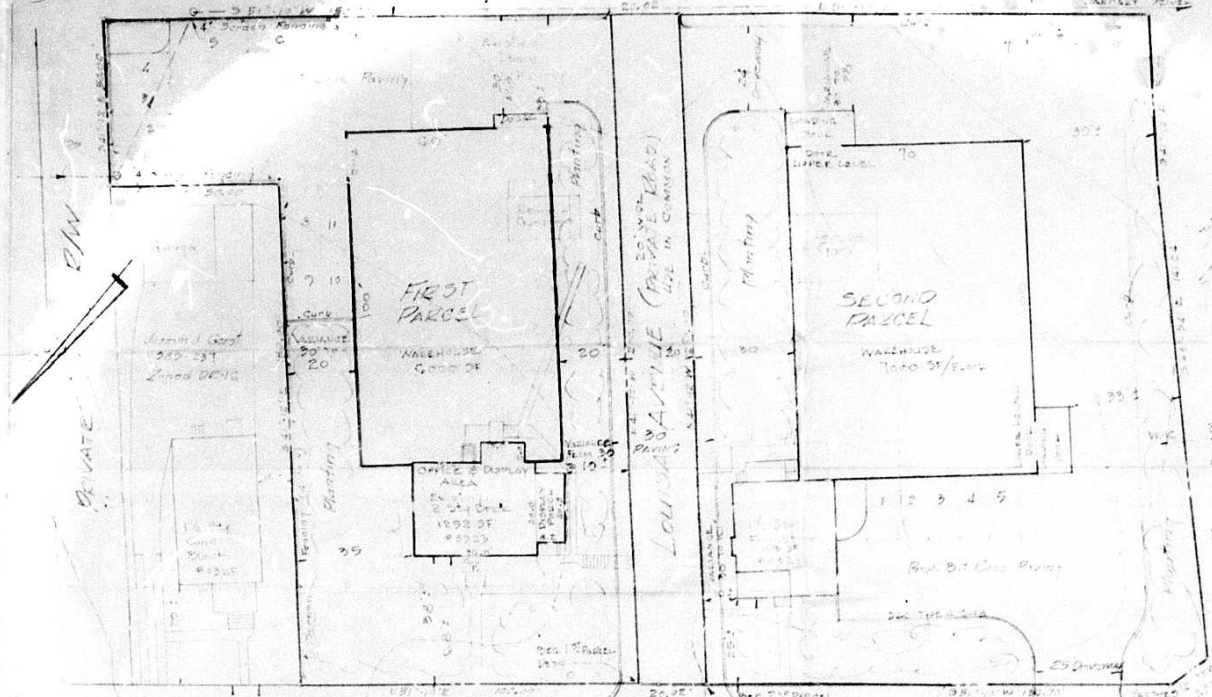
The alleged zoning violation, which is also under appeal, is as a result of our using a portion of my client's property for his office use. I am writing you now requesting that the Board generally continue the two appeals now pending for the purpose of allowing the Petitioner to have his Petition for Special Exception heard before the Zoning Commissioner. If the Petitioner is successful in having his Special Exception granted, then in that event, the two appeals now pending before the Board will become moot and will be withdrawn.

Please be assured that I will make every effort to have the Petition for Special Exception heard at the Zoning



[illegible]

K142112-000
A/P



Young
Gibbs #1

B. AIR-41 ROAD
(STATE ROAD 30 U. S. #1)

ZONING PLAT
8321 AND 8323 BELAIR ROAD

11th Election District Baltimore County Md
Scale 1"=20' February 18, 1972
Property of [Redacted] Contd Sheet 24 of 272

3321 Belair Road	3323 Belair Road
HARRY ROOB & Wife	MILLARD HARTMAN & Wife
0.9507 Acres	0.5107 Acres
Genus: 1175 214	Deeds: 4-18-001
1175 214	Part 1 of 2.
1355 -148	

Flow Ratio Area
1st Parcel
5000 SF
• 12.5% SF
"12.5% SF Bldg
22,420 SF Lot = 0.32
2nd Parcel
7000 SF
7000 SF
1113 SF
15113 SF Bldg
28501 SF Lot = 0.53

- [illegible]



DAVID W. DALLAS, JR.
CIVIL ENGINEER
8713 OLD HANFORD RD.
BALTIMORE, MD. 21234
(301) 665-7400



Thomas C. Windsor, Jr.
2020 - 598
Zoned DE-1G

13th Block
Only

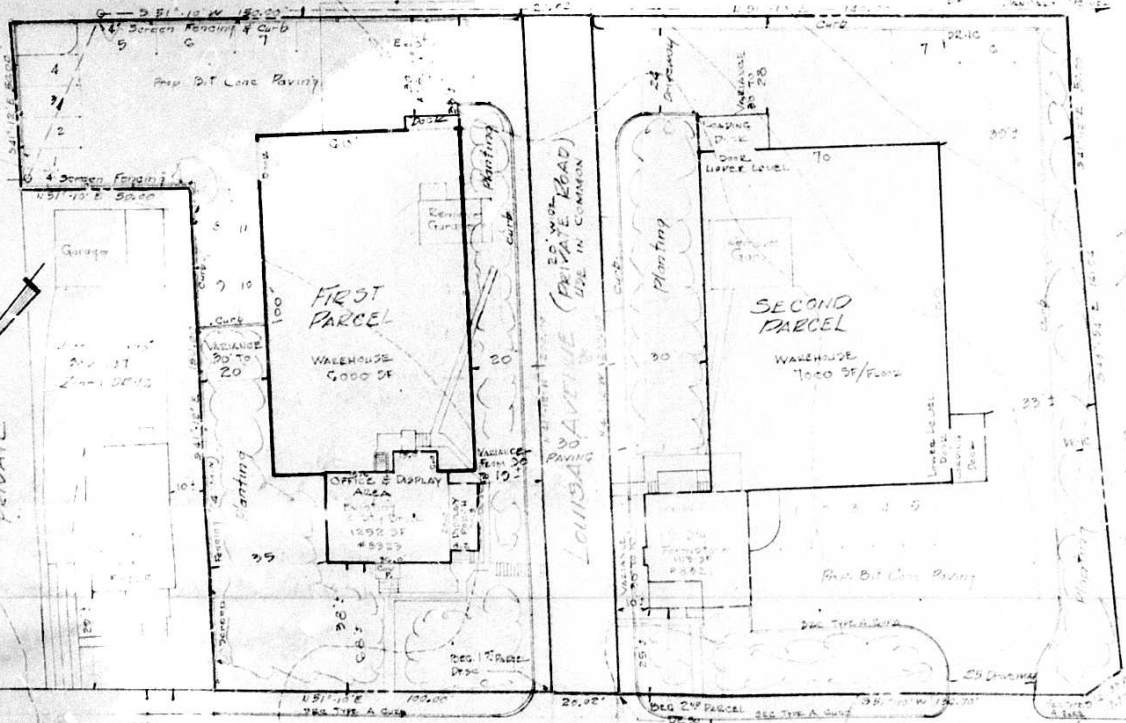
42'

DE-1G

DE-1G

P.D. Utility Backhoe Service Inc.
481 - APC

51'



*Young Commission
Sheet #1*

BELAIR ROAD
(STATE ROAD 4.3.1)

To Belair

#12 Route

ZONING PLAT

#321 and #323 BELAIR ROAD

11th Locat. in Locat. Bel Air County Md

Block 1120 Property 1120

3321 Belair Road

Maryland State

0.6901 Acres

Deeds 1178-214

1178-214

1355-148

4823 Bel Air Road

Maryland State

0.5101 Acres

Deeds 4618-001

Part 1 & 2

FLEX RATIO AREA

12 Parcel

0.6901 Acres

0.6901 Acres

0.6901 Acres

0.6901 Acres

0.6901 Acres

0.6901 Acres

0.6901 Acres

0.6901 Acres

0.6901 Acres

0.6901 Acres

0.6901 Acres

0.6901 Acres

1. 12 Parcel
2. 0.6901 Acres
3. 0.6901 Acres
4. 0.6901 Acres
5. 0.6901 Acres
6. 0.6901 Acres
7. 0.6901 Acres
8. 0.6901 Acres
9. 0.6901 Acres
10. 0.6901 Acres
11. 0.6901 Acres
12. 0.6901 Acres



David W. Dallas, Jr.
DAVID W. DALLAS, JR.
CIVIL ENGINEER
8715 OLD MARSHALL RD.
BETHESDA, MD 20814
(301) 465-7000

